

Submitted October 28, 2015
Approved as of
Date October 28, 2015

**MINUTES OF THE ROCKVILLE PLANNING COMMISSION
MEETING NO. 16-2015
Wednesday, September 9, 2015**

The City of Rockville Planning Commission convened in regular session in the
Mayor and Council Chambers at 7:00 p.m.
Wednesday, September 9, 2015

PRESENT

Don Hadley, Chair

Anne Goodman	Charles Littlefield
David Hill	Gail Sherman
Jack Leiderman	John Tyner, II

Present: Marcy Waxman, Senior City Attorney
Jim Wasilak, Chief of Planning
Bobby Ray, Principal Planner
Nicole Walters, Planner II
Brian Wilson, Planner III
Sheila Bashiri, Preservation Planner

I. ANNEXATION PUBLIC HEARING AND RECOMMENDATION

Annexation Petition ANX2015-00145, 355 Partners LLC and Frederick Road LLC - A public hearing to review the annexation plan associated with the annexation petition for property located at 15931 Frederick Road.

Brian Wilson presented his staff report and suggested making a supportive recommendation to Mayor and Council on the Annexation Plan and its proposed MXTD zoning designation. Mr. Wilson also answered questions from the Commission.

Pat Harris, attorney for Lerch Early and Brewer, representing Frederick Road, LLC, addressed several questions from the Commission regarding area meeting minutes, the County vs. City density in the Plan of each, Tax Revenue, absence of retail, the pedestrian crossing at the intersection of Route 355, and the proposed parking lot near the Shady Grove Metro tracks.

Rick Lundergren of Frederick Road, LLC provided additional information on the proposed parking lot and provided insight on the acquisition and development of the property and access roads. He also answered questions from the Commission regarding the Comprehensive Transportation Review, Bus Rapid Transit and Corridor Cities Transit Way.

There were no public comments.

The meeting recessed at 8:10 pm and reconvened at 8:17 pm.

Commissioner Hill moved, seconded by Commissioner Tyner, to recommend approval of Annexation Petition ANX2015-00145, finding it is consistent with the Comprehensive Master Plan with the City of Rockville and recommends applying the MXTD zone as the petition asks, with three detailed recommendations. He suggests the Mayor and Council look in more detail at the 1) net fiscal impact of the site based on information that may be available to them at the time of their consideration, 2) that environmental risks relative to monitoring wells should be pursued as a sensitive issue that was not adequately covered for lack of input, 3) to consider pedestrian safety conditions that might apply to this, for example, reserving the space for a pedestrian bridge footprint that might otherwise be credited as public open space requirements for the site, and 4) the two notes that would be added are that the applicant conceded a seven-story cap was viable and whether there would be requirements or conditions placed on the annexation regarding fulfillment of vertical mixed-use.

The motion passed 4-3 (Commissioners Hadley, Leiderman and Littlefield voted no).

The meeting recessed at 9:01 pm and reconvened at 9:06 pm.

II. PROJECT PLAN BRIEFING

Briefing on Project Plan Application PJT2015-00005, 500 W. Montgomery Avenue, the applicant (JNP Chestnut Lodge LLC) to brief the Planning Commission on their proposal to amend previously approved Planned Residential Unit Exploratory Application PRU2005-00022.

Nicole Walters presented her staff report and answered questions from the Commission.

Soo Lee Cho of Miller Miller and Canby and attorney for the applicant JNP Chestnut Lodge, LLC, offered what she said was their first presentation. She said they will go before the Mayor and Council and will return to brief the Commission afterwards. She addressed height issues/elements of the tower and elements of the proposed structures. Their slide presentation provided an overview of the proposed development. Ms. Cho also answered questions from the Commission.

Jim Proachus, Principal with JNP Chestnut Lodge, LLC addressed questions posed by the Commission concerning surface parking vs. underground parking.

Randy Creaser with Creaser O'Brien Architects provided information of the proposed materials used on the elevations of the townhouse structures. He also answered additional questions from the Commission.

Elise Polydoroff, City Forester answered questions regarding vegetation screening, negotiation on selection of species and additional plantings.

Sheila Bashiri, Preservation Planner provided insight on the proposed building materials used on the townhouses.

III. REVIEW and ACTION

- A. **Waiver Application WAV2015-00009**, Washington Real Estate Fund, LLC c/o Cheng Tu - a request to reduce the number of required vehicular parking spaces for a proposed restaurant use. The subject property is located at 300 North Washington Street and zoned MXNC (Mixed Use Neighborhood Center).

Bobby Ray presented the staff report and answered questions from the Commission.

Soo Lee Cho with Miller Miller and Canby spoke on behalf of the applicant, Washington Real Estate Fund, LLC. She presented the application based on a proposed modification to their original Request for Waiver, due to staff's recommendation of denial of the previous application. She stated that the property owners would like to have an answer on the parking waiver from the Commission tonight, if possible.

Commissioner Tyner moved, seconded by Commissioner Hill, to approve Waiver Option B at 23.5% reduction for the 20 parking spaces waiver. The motion failed 2-4-1 (Commissioners Goodman, Hadley, Sherman, Leiderman voted no, Commissioner Littlefield abstained).

Commissioner Littlefield moved, seconded by Commissioner Tyner, to approve WAV2015-00009 as amended for 4,000 square feet of patron area for 20 spaces with a condition that they develop and abide by a transportation management plan that would include an option for valet parking with details specified in the plan that would allow them to meet the full parking requirement for the site. The motion failed 2-5 (Commissioners Tyner and Littlefield voted in favor).

Commissioner Hill asked the applicant to (via a motion) defer this item and have the applicant come back with a more definitive plan as a condition the Commission can pass.

Commissioner Hill moved, seconded by Commissioner Littlefield to defer this item to the September 30, 2015 Planning Commission meeting.

The motion passed 6-1 (Commissioner Leiderman voted no).

The meeting recessed at 12:11 am and reconvened at 12:17 am

- B. **Zoning Text Amendment TXT2016-00243** to make technical corrections, revisions, and clarifications throughout the zoning ordinance. The proposed revisions include the following: Public testimony will be received on this item by the Commission, which will make a recommendation to the Mayor and Council.

Deane Mellander, Zoning Administrator submitted his comments on the Text Amendment.

Commissioner Littlefield moved, seconded by Commissioner Hill, to recommend approval of the proposed zoning text amendment with the exception that for Section 25.09.03, pool decks must be within the minimum setbacks for structures in the zone.

The motion passed 6-1 (Commissioner Goodman voted no).

IV. COMMISSION ITEMS

- A.** Staff Liaison Report – Jim Wasilak provided the Staff Liaison report in Mr. Gunning’s absence. He updated the Commission with 1) a schedule of the upcoming Listening Session for Community Meeting #3 for the Southlawn Industrial Area on September 25 at the Lincoln Park Community Center, 2) MD Department of Planning is holding seminars and outreach sessions regarding the ten-year Comprehensive Plan Review, 3) overview of the September 30 Planning Commission meeting agenda to include the Bikeways Master Plan, Land Use Discussion in the Piccard Drive area, and an Update on Master Plan outreach status, 4) the presentation at the September 28th Mayor and Council meeting by consultants on the integration of the BRT @ Routes 28 and 355.
- B.** Old Business - None
- C.** New Business - None
- D.** Minutes – Commissioner Leiderman moved, seconded by Commissioner Sherman to approve the June 10th minutes for Meeting 11-2015, with noted edits. The motion passed 6-1 (Commissioner Littlefield abstained)
Commissioner Leiderman moved, seconded by Commissioner Sherman to approve the June 24th minutes for Meeting 12-2015, with noted edits. The motion passed 5-2 (Commissioners Tyner and Hill abstained).
- E.** FYI Correspondence

V. ADJOURN

There being no further business to come before the Planning Commission, the meeting adjourned Thursday, September 10, 2015 at 12:46 am.

Respectfully Submitted,

Sandra Y. Driver, Commission Secretary